

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PAUL SIMON D/B/A  
PAUL SIMON MUSIC,

Plaintiff,

V.

RHYTHM USA, INC. and  
RHYTHM WATCH CO., LTD.,

Defendants.

Case No. 08-CIV-6440 (CM)

## NOTICE OF MOTION

PLEASE TAKE NOTICE that on October 28, 2008 Defendants Rhythm Watch Co., Ltd. ("Rhythm Japan") and Rhythm USA, Inc. ("Rhythm USA") (collectively "Defendants") filed with this Court Defendant Rhythm Japan's Motion to Dismiss, or in the alternative, Motion to Transfer; Defendant Rhythm USA's Motion to Transfer; and Defendants' Motion for a More Definite Statement ("Motion"). In support of their motions, Defendants submit a Memorandum of Law; Declaration of Yuichi Koizumi in Support of Defendants' Motion to Dismiss and/or Motion to Transfer; Declaration of Tatsuo Kasama in Support of Defendants' Motion to Dismiss and/or Motion to Transfer; and Declaration of Bryan J. Vogel, Esq. in Support of Defendants' Motion to Dismiss and/or Motion to Transfer.

Defendants request that this Court hear this Motion at a date and time to be determined by the Court.

Date: October 28, 2008

Respectfully submitted,

LOVELLS LLP

/s/ David Leichtman

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*Attorneys for Defendants Rhythm USA, Inc.  
and Rhythm Watch Co., Ltd.*

**CERTIFICATE OF SERVICE**

I, Bryan J. Vogel, hereby certify that on the 28th day of October, 2008, I caused true and correct copies of the foregoing Notice of Motion and Defendant Rhythm Japan's Motion to Dismiss, or in the alternative, Motion to Transfer; Defendant Rhythm USA's Motion to Transfer; and Defendants' Motion for a More Definite Statement to be served by Electronic Case Filing upon counsel of record who are Filing Users of the Court's Electronic Case Filing System.

Date: October 28, 2008

/s/ Bryan J. Vogel

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*Attorney for Defendants Rhythm USA, Inc. and  
Rhythm Watch Co., Ltd.*